THE COTTON GINNING AND PRESSING FACTORIES (BOMBAY AMENDMENT) ACT, 1936.

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BOMBAY ACT No. IV OF 1936.[1]

[THE COTTON GINNING AND PRESSING FACTORIES (BOMBAY AMENDMENT) ACT, 1936.]

[*16th March 1936.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Presidency of Bombay.

XII of 1925. WHEREAS it is expedient to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Presidency of Bombay for the purposes hereinafter appearing; And whereas the previous sanction of the Governor General required under sub-section (*3*) of section 80A and the previous sanction of the Governor required under section 80C of the Government of India Act have been obtained for the passing of this Act; It is hereby enacted as follows :—

5 & 6 Geo. V, c. 61.

Short title, extent and commencement.

1. (*1*) This Act may be called the Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1936.

(*2*) This Act shall extend in the first instance to the Province of Sind or such area in the said Province with effect from such date as the [2][Provincial Government] may by notification in the [3][*Official Gazette*] appoint. The [2][Provincial Government] may by notification in the [3][*Official Gazette*] extend the provisions of this Act to any other area with effect from such date as the [2][Provincial Government] may appoint in the said notification.

Amendment of section 2 of Act XII of 1925.

XII of 1925. 2. In section 2 of the Cotton Ginning and Pressing Factories Act, 1925, hereinafter called the said Act,—

(*1*) after the word, comma and dash "context,—" the following shall be inserted, namely :—

"(*aa*) 'admixture of cotton' means a prescribed mixture of different varieties of cotton;" and

(*2*) after clause (*f*) the following clause shall be inserted, namely :—

"(*ff*) 'licence' means a licence granted under section 2A."

(*3*) after clause (*h*) the following clause shall be inserted, namely :—

"(*i*) 'Season' means such period as may from time to time be prescribed."

Insertion of section 2A in Act XII of 1925.

3. After section 2 of the said Act, the following section shall be inserted, namely :—

Licence for working cotton ginning factory or cotton pressing factory.

2A. (*1*) No cotton ginning factory or cotton pressing factory shall be worked without a licence granted to the owner thereof by such authority, in such form, subject to such conditions and on payment of such fee, as may be prescribed.

(*2*) (*a*) A licence for which the prescribed fee has been paid shall be liable to be refused only on the ground that the owner or person in charge of a cotton ginning or cotton pressing factory in respect of which a licence is applied for has been convicted of an offence punishable under this Act.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1935, Part V, pp. 335-336; for Report of the Select Committee, *see Bombay Government Gazette*, 1936, Part V, pp. 24-27; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1936, Vol. XLIV.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "*Official Gazette*" were substituted for the words "*local official Gazette*", *ibid.*

(*b*) A licence shall be liable to be suspended, withdrawn or cancelled only on the ground that the owner or person in charge of the cotton ginning or cotton pressing factory in respect of which a licence was granted has been convicted of an offence punishable under this Act :

Provided that no licence shall be suspended, withdrawn or cancelled under this clause until after the expiration of the season in which the said owner or person has been so convicted.

(*3*) If any person works a cotton ginning or cotton pressing factory in respect of which a licence has not been granted or has been suspended, withdrawn or cancelled, such person shall be punishable :—

(*a*) on a first conviction, with fine which may extend to five hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to one hundred rupees for every day subsequent to the first day during which the offence has continued ; and

(*b*) on every subsequent conviction, with fine which may extend to fifteen hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to two hundred rupees for every day subsequent to the first day during which the offence has continued."

Amendment of section 3 of Act XII of 1925.

4. In sub-section (*2*) of section 3 of the said Act :—

(*1*) the word " and " shall be omitted, and

(*2*) the following words shall be added at the end :—

" and the prescribed particulars as supplied by such person of the cotton ginning factory where it has been ginned."

Insertion of new sections 3A, 3B and 3C in Act XII of 1925.

5. After section 3 of the said Act, the following new sections shall be inserted, namely :—

Prohibition against watering, etc., of cotton.

" 3A. (*1*) The [1][Provincial Government] may by notification in the [2][*Official Gazette*] declare that in any area specified in such notification and to which this Act has been extended, no cotton which is ginned or pressed in a cotton ginning or cotton pressing factory shall contain any admixture of cotton.

(*2*) Any owner of a cotton ginning or cotton pressing factory or any person in charge of such factory—

(*a*) who knowing or having reason to believe that any cotton is watered or contains seed in excess of the prescribed proportion or contains any foreign substance, gins or presses or allows such cotton to be ginned or pressed in such factory, or

(*b*) who in any area specified in the notification under sub-section (*1*) gins or presses or allows to be ginned or pressed any cotton which he knows or has reason to believe to contain an admixture of cotton,

shall, on conviction, be punishable with fine which may extend to five thousand rupees.

(*3*) Any owner of cotton who knowingly waters any cotton whic is ginned and which is being, or is intended to be, pressed in a cotton pressing factory, or mixes seed or foreign substance with such cotton, or in any area specified in sub-section (*1*) makes any admixture of cotton, or abets or knowingly allows or connives at any such watering, mixing or admixture of cotton, shall, on conviction, be punishable with fine which may extend to five thousand rupees.

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[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation of Indian Laws Order in Council.

[2] The words " *Official Gazette* " were substituted for the words " *local official Gazette* ", *ibid.*

Explanation.—For the purposes of this section, cotton shall not be deemed to be watered, unless such cotton contains moisture in excess of the normal quantity. The normal quantity of moisture in any given quantity of cotton is the amount of moisture that such cotton is reasonably expected to have, regard being had to the place or places at or to which, and the time or times of the year in which, such cotton has been picked, collected, stored, conveyed, left, ginned or pressed. A certificate given by the prescribed authority as to the normal quantity of moisture that a given quantity of such cotton should have and the quantity of moisture that it possesses shall be evidence of such matters, until the contrary is proved; and if the latter quantity exceeds the former it shall be evidence, until the contrary is proved, that the cotton is watered.

Examination of cotton, packages or bales.

3B. (*1*) The [1][Provincial Government] or any gazetted officer authorised by it in this behalf may on its or his own motion or on receipt of a complaint that there has been a contravention of the provisions of section 3A in respect of any cotton, package or of any bale and in the case of a complaint, on payment of the prescribed fee by the complainant, cause such cotton or the contents of such package or bale to be examined by the prescribed person or body.

(*2*) A certificate given by such person after examination of the contents of any bale under sub-section (*1*) shall be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

Entry and inspection.

3C. (*1*) The [1][Provincial Government] may authorise any gazetted officer to enter into and inspect, at any reasonable time, any cotton ginning or cotton pressing factory for the purpose of ascertaining whether there is any contravention therein of any of the provisions of this Act or of any rule made thereunder or of any of the conditions subject to which a licence has been granted in respect of such factory and to seize all things in respect of which an offence punishable under this Act appears to have been committed.

(*2*) The owner or the person in charge of every cotton ginning or cotton pressing factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (*1*).

(*3*) The owner or the person in charge of such factory shall, in every instance, be permitted to attend during the inspection and the things seized during such inspection shall be sealed in the prescribed manner."

Amendment of section 5 of Act XII of 1925.

6. For section 5 of the said Act, the following section shall be substituted, namely :—

Returns.

"5. (*1*) The owner of every cotton ginning factory shall submit to the prescribed authority, within such time and in such form, as may be prescribed, monthly returns showing the quantity of cotton ginned in the factory during the preceding month and from the commencement of the season to the end of that month.

(*2*) The [1][Provincial Government] shall compile from the monthly returns submitted under sub-section (*1*), and shall publish in such manner as the [2][Central Government] may direct, a statement showing the total quantity of cotton ginned in the province during the month and from the commencement of the season to the end of the month to which the returns relate :

Provided that the quantity of cotton ginned in an individual factory shall not be published.

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Central Government" were substituted for the words "Governor General in Council", *ibid.*

(*3*) The owner of every cotton pressing factory shall submit to the prescribed authority, within such time and in such form, as may be prescribed, weekly returns showing the total number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of that week, and the approximate average net weight of the bales pressed in that week.

(*4*) The [1][Provincial Government] shall compile from the weekly returns submitted under sub-section (*3*), and shall publish in such manner as the [2][Central Government] may direct, a statement showing the total number of bales pressed in the province during the week and from the commencement of the season to the end of the week to which the returns relate :

Provided that the number of bales pressed in any individual factory shall not be published.

(*5*) If default is made in submitting any return as required by sub-section (*1*) or sub-section (*3*), the owner of the factory shall, on conviction, be punishable with fine which may extend to fifty rupees.

(*6*) Where the owner of a cotton ginning or cotton pressing factory has notified to the prescribed authority that the work of ginning cotton or pressing bales in that factory has been suspended, it shall not be necessary for the owner to submit returns under sub-section (*1*) or sub-section (*3*) until such work has been resumed."

Amendment of section 6 of Act XII of 1925.

7. In section 6 of the said Act, after the words "other than" the words and figures "the standard weights and measures, weighing and measuring instruments authorised under the Bombay Weights and Measures Act, 1932, in districts or areas in which Parts II, III, V and VI of that Act are in force or elsewhere other than" shall be inserted. Bom. XV of 1932.

Amendment of section 7 of Act XII of 1925.

8. In sub-section (*1*) of section 7 of the said Act, after the words "for the purpose of sections" insert the figures and letters "3A, 3C".

Insertion of new section 11A in Act XII of 1925.

9. After section 11 of the said Act the following new section shall be inserted, namely :—

Power of Magistrate to pass sentence.

"11A. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, a Presidency Magistrate or a Magistrate of the First Class may pass any sentence provided for any offence punishable under this Act and the provisions of the said Code shall be deemed to have been amended accordingly." V of 1898.

Amendment of section 13 of Act XII of 1925.

10. (*1*) In section 13 of the said Act, after clause (*a*), the following clauses shall be inserted, namely :—

"(*aa*) what shall constitute an admixture of cotton ;

(*ab*) the period which shall from time to time constitute a season ;

(*ac*) the authority by whom, the form in which, the conditions subject to which and the fees on payment of which, a licence may be granted under sub-section (*1*) of section 2A ;

(*ad*) the particulars of the cotton ginning factory to be entered in the register maintained under sub-section (*2*) of section 3 ;

(*ae*) the proportion of seed which may be contained in cotton ;

(*af*) the person authorised to give a certificate regarding the quantity of moisture contained in any cotton and other matters specified in section 3A ;

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Central Government" were substituted for the words "Governor General in Council", *ibid.*

(*ag*) the person authorised to examine bales under section 3B ;

(*ah*) the procedure for making a complaint and causing the contents of a bale to be examined and the fee for examination of the contents of a bale under sub-section (*1*) of section 3B ;

(*ai*) the manner in which the things seized shall be sealed under section 3C."

(*2*) Section 13 of the said Act shall be renumbered as sub-section (*1*) of that section and after the sub-section so renumbered, the following sub-sections shall be added, namely :—

"(*2*) The rules to be made under sub-section (*1*) shall be subject to the condition of previous publication.

(*3*) Rules made under sub-section (*1*) shall as soon as they are made be laid [1][before each of the Chambers of the Provincial Legislature] for a period of one month and shall be liable to be modified or rescinded by a resolution [2][passed by each of the Chambers during] the session thereof immediately following the expiry of the said period ; such rule shall, after notification in the [3][*Official Gazette*], be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of the [4][Provincial Government], such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, the [4][Provincial Government] may, by notification in the [3][*Official Gazette*], declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded."

11. After section 15 of the said Act, the following sections shall be added, namely :— Addition of sections 16 and 17 in Act XII of 1925.

"16. Whoever contravenes any of the provisions of this Act or any rule made thereunder or any of the conditions subject to which a licence has been granted to him shall, on conviction, if no other penalty is already provided in this Act for such contravention, be punishable with fine which may extend to five hundred rupees or, if he has previously been convicted of an offence under this Act or any rule made thereunder, with fine which may extend to fifteen hundred rupees. Penalty.

17. (*1*) The District Magistrate may accept from any person whose licence is liable to be suspended, withdrawn or cancelled under this Act, or who is reasonably suspected of having committed an offence under this Act, a sum of money in lieu of such suspension, withdrawal or cancellation or by way of composition for the offence which may have been committed, as the case may be. Compounding offences, etc.

(*2*) On payment by such person of such sum to the District Magistrate, such person if in custody shall be set at liberty and if criminal proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal."

12. In sub-sections (*5*) and (*6*) of section 3, in sub-section (*2*) of section 4, in sub-section (*2*) of section 6, in sub-section (*3*) of section 7, in sub-section (*2*) of section 8 and in sub-section (*3*) of section 9 of the said Act for the words "shall be punished" the words "shall, on conviction, be punishable" shall be substituted. Amendment of sections 3, 4, 6, 7, 8 and 9 of Act XII of 1925.

[1] The words "before each of the Chambers of the Provincial Legislature" were substituted for the words "upon the table of the Bombay Legislative Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "passed by each of the Chambers during" were substituted for the words "tabled at", *ibid.*

[3] The words "*Official Gazette*" were substituted for the words "*local official Gazette*", *ibid.*

[4] The words "Provincial Government" were substituted for the words "Local Government", *ibid.*